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*and Joseph Lombardo*  
8

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA, SOUTHERN DIVISION

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12 TROY MELNEK ,  
13 Plaintiffs,  
14 vs.

15 LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, JOSEPH LOMBARDO,  
16 DIVISION OF PUBLIC AND  
BEHAVIORAL HEALTH OF THE  
17 DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, CODY PHINNEY, JO  
18 MALAY, and DOES I – V, and ROE  
CORPORATIONS I – V, inclusive  
19 Defendants.  
20

CASE NO. 2:23-cv-1303-GMN-MDC

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**[SECOND REQUEST]**

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22 Pursuant to LR IA 6-1 and LR 26-3, the parties, by and through their respective counsel of  
23 record, hereby stipulate and request that this Court extend discovery in the above-captioned case  
24 by ninety (90) days, up to and including Monday, October 14, 2024. In addition, the parties  
25 request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order  
26 be extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as  
27 follows:  
28

1. On August 31, 2023, Plaintiff filed his Complaint in the United States District Court, District of Nevada.
2. On November 17, 2023, Defendants Las Vegas Metropolitan Police Department and Joseph Lombardo (hereinafter “LVMPD Defendants”) filed their Motion to Dismiss or in the Alternative Motion for Summary Judgment.
3. On November 30, 2023, Plaintiff filed his Opposition to LVMPD Defendants’ Motion to Dismiss or in the Alternative Motion for Summary Judgment.
4. On December 7, 2023, Defendants Department of Health & Human Services, Division of Public and Behavioral Health, Cody Phinney, and Jo Malay (hereinafter “DHHS Defendants”) filed their Motion to Dismiss Plaintiff’s Complaint.
5. On December 21, 2023, Plaintiff filed his Opposition to DHHS Defendants’ Motion to Dismiss Plaintiff’s Complaint.
6. On December 21, 2023, LVMPD Defendants filed their Reply in Support of their Motion to Dismiss or in the Alternative Motion for Summary Judgment.
7. On December 29, 2023, the Court entered the Joint Discovery Plan and Scheduling Order.
8. On January 4, 2024, DHHS Defendants filed their Reply in Support of their Motion to Dismiss Plaintiff’s Complaint.
9. On January 11, 2024 Plaintiff served his FRCP 26 Initial Disclosures on Defendants.
10. On January 12, 2024, DHHS Defendants, served their FRCP 26 Initial Disclosures on the Parties.
11. On January 18, 2024, LVMPD Defendants served their FRCP 26 Initial Disclosures on Plaintiff.
12. On February 7, 2024, LVMPD Defendants served its first set of written discovery on Plaintiff. Plaintiff served his responses on March 6, 2024.
13. On March 15, 2024, Plaintiff served LVMPD Defendants with his first set of Interrogatory requests. Defendant LVMPD served its responses on April 29, 2024.

1 14. On March 18, 2024, Plaintiff served his First Supplement to his FRCP 26  
2 Disclosures on Defendants.

3 15. On May 10, 2024, the Court entered its Order Granting Motions to Dismiss.

4 16. On May 29, 2024, Plaintiff filed his Amended Complaint.

5 17. On June 12, 2024, Defendants LVMPD and Joseph Lombardo filed their renewed  
6 motion to dismiss.

7 18. On June 18, 2024, DHHS Defendants filed their motion to dismiss.

8 **DISCOVERY REMAINING**

9 1. The parties will continue participating in written discovery.

10 2. Defendants may depose Plaintiff.

11 3. The parties may depose any and all other witnesses identified through discovery.

12 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

13 The parties aver, pursuant to Local Rule 26-3, that good cause exists for the requested  
14 extension. This Request for an extension of time is not sought to delay the proceedings or for any  
15 improper purpose.

16 On November 17, 2023, LVMPD Defendants filed their Motion to Dismiss. (ECF No. 8).  
17 On December 7, 2023 DHHS Defendants filed their Motion to Dismiss. (ECF No. 16). Plaintiff  
18 opposed both motions. The Court entered its Order Granting both motions and allowing Plaintiff  
19 21 days to file his Amended Complaint.

20 On May 29, 2024, Plaintiff filed his Amended Complaint. On June 12, 2024 Defendants  
21 LVMPD and Joseph Lombardo filed their renewed motion to dismiss. With the filing of the First  
22 Amended Complaint, and the current briefing on said filing, the parties require additional time to  
23 conduct discovery.

24 For those reasons, the parties respectfully request an extension of the discovery deadlines  
25 in this matter.

26 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs  
27 modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or  
28 motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than

twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Tuesday, July 16, 2024</i>	<i>Monday, October 14, 2024</i>
Deadline to Amend Pleadings or Add Parties	<i>Closed</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>Closed</i>	<i>Closed</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Closed</i>	<i>Closed</i>
Dispositive Motions	<i>Thursday, August 15, 2024</i>	<i>Wednesday, November 13, 2024</i>
Joint Pretrial Order	<i>Monday, September 16, 2024</i>	<i>Monday, December 16, 2024</i>  <i>If dispositive motions are pending, the parties will submit their Joint Pretrial Order within thirty (30) days of the Court's order as to any dispositive motions.</i>

WHEREFORE, the parties respectfully request this Court extend the discovery period by ninety (90) days from the current deadline of July 16, 2024 up to and including October 14, 2024,

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1 and extend the other dates as outlined in accordance with the table above.

2 DATED this 24<sup>th</sup> day of June, 2024.

DATED this 24<sup>th</sup> day of June, 2024.

3 LEWIS BRISBOIS BISGAARD & SMITH

LAW OFFICE OF DAVID SAMPSON

4  
5 /s/ E. Matthew Freeman

/s/ David F. Sampson

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10  
11 DATED this 24<sup>th</sup> day of June, 2024.

12 GENERAL OFFICE OF THE ATTORNEY GENERAL

13 /s/ Pierron Tackes

14 AARON FORD

Attorney General

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20 *Department of Health & Human Services,*

*Division of Public & Behavioral Health,*

21 *Cody Phinney, and Jo Malay*

22  
23 **ORDER**

24 IT IS SO ORDERED.

25 Dated this 25 day of June, 2024.

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27  
28 UNITED STATES MAGISTRATE JUDGE